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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,476	12/22/2000	Edward J. Panelli	GEMS:0118/YOD 15-EC-5769	2319
7590	11/08/2004		EXAMINER NGUYEN, CUONG H	
Patrick S. Yoder Fletcher, Yoder & Van Someren P.O. Box 692289 Houston, TX 77269-2289			ART UNIT 3661	PAPER NUMBER

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/747,476	PANELLI, EDWARD J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CUONG H. NGUYEN	3625	<i>llw</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Office Action is the answer to the communication received on 5/17/2004.
2. Claims 1-25 were elected on 5/17/2004. Claims 26-35 were cancelled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. Claims 1-6, 9-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor et al. (US Pat. 6,070,149) in view of Doi et al. (US Pat. 5,224,177).

A. Regarding claims 1, 12-13, 15, 17: Tavor et al. disclose a computer system coupled to a network to select a product, comprising an application server (see Tavor et al., the abstract, and Fig.1 - ref.18), and product selector/configuration file written in a markup language (see Tavor et al., 2:19-28 and Fig.3), and stored in the computer system; Tavor et al. suggest questions to determine a product based on the customer's responses, a comparison program to receive a query page and compare customer's responses - by populating

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blanks of a web page (see Tavor et al., Fig.4 ref. 76, and Fig. 5 ref. 44); Tavor et al. also teach about a product configuration file written in a markup language which contains information about the specific product (see Tavor et al., 2:19-28 and Fig.3), and a server to provide a results page to the customer via the network (see Tavor et al., Fig. 1, and Fig.4 ref. 76), the results page providing the customer with a recommended product (see Tavor et al., Fig.4).

Taylor fails to disclose the type of product being a radiological imaging workstation. Doi et al. teach a medical product: a CR system can be purchased (col. 8:61-62).

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use a CR system as the type of product being supplied in Taylor as disclosed in Doi since purchasing a radiological imaging workstation is a big investment, and there are many different models which a user may need a server to organize his priorities for recommendations when purchasing a proper product.

B. As to claims 2, 3: The rationales and references for a rejection of claim 1 are incorporated.

Doi teaches a medical product: a CR system can be purchased (col. 8:61-62).

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It would have been obvious at the time the invention was made to a person of ordinary skill in the art to combine Tavor et al. and Doi in purchasing a CR system - a computed tomography (CT) system or a magnetic resonance imaging (MR) system - because they all are non-functional descriptive materials that do not contributing to the change of any structure in claimed computer system - the only difference is the name of a model, and that is obvious for cited references.

C. As to claims 4-5, 10-11, 16, 25: The rationales and references for a rejection of claim 1 are incorporated.

Tavor et al. also teach about a file written in a markup language that contains information about the specific product (see Tavor et al., 2:19-28 and Fig.3).

D. As to claims 10, 11, and 25: Tavor et al. disclose specific configurations of a product being determined by sales history and comprising a software package (see Tavor et al., 33:38-44).

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to combine Tavor et al. and Doi et al. in purchasing a medical workstation with product selector file contains questions in extensible markup language (XML) as for a product configuration file because this is an compatible option for presenting that file online if necessary.

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E. As to claims 9-10: The rationales and references for a rejection of claim 1 are incorporated.

Tavor et al. suggest that information stored are stored in a product configuration file, and Doi suggests a purchasing of a CR system.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to combine Tavor et al., and Doi et al. to specify that a product configuration file contains data of Radiological imaging workstations because it is really an option to specify a related medical workstation of a CR workstation as Doi et al. (different radiological workstations are merely non-functional descriptive material which are obvious with cited references).

4. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor et al. (US Pat. 6,070,149), in view of Doi et al. (US Pat. 5,224,177) and Henley (US Pub. No. US 2002/0065758 A1).

The rationales and references for a rejection of claim 15 are incorporated.

In eMedicalBid.com, Henley also suggests a help file written in a markup language (whether in HTML or XML) (see Henley, the abstract), and containing information by selecting with "a mark".

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Tavor et al., disclose the use of multiple/single choice questions (see Tavor et al., Fig.3).

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to implement Tavor et al., and Henley with a multiple-choice format question when querying a user for purchasing a radiological image workstation because by presenting multiple-choice questions, the server gets closer alternative for an answer and giving more accurate assistances to a user.

5. As to claims 6-8, 14, 21-24: They are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor et al. (US Pat. 6,070,149) in view of Henley (US Pub. No. US 2002/0065758 A1), and further in view of Doi et al. (US Pat. 5,224,177).

A. As to claims 7-8: The rationales and references for a rejection of claim 1 are incorporated.

The rationales and references for a rejection of claim 1 are incorporated.

Tavor et al. and Doi et al. do not disclose the query page and each question having an associated link to a help page.

However, help pages are well known-in the art, to guide users through websites when they are not sure of the next step to take, (see Henley, Fig. 12).

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It would have been obvious at the time the invention was made to a person of ordinary skill in the art to combine Tavor et al., Henley, and Doi et al. to include links to help pages for the query page as well as each question to assist the user if they are unsure of what to do next on the website.

B. As to claims 6, 14, 21-24: The rationales and references for a rejection of claim 1 are incorporated.

Tavor et al. suggest about using of Java applets and Java script (see Tavor et al., 2:31-46, and 34:35-38).

It is well known that a Java class, a Java applet, and a Java script are compatible in a document; therefore, an application can be a JAVA class.

It would have been obvious at the time the invention was made to a person of ordinary skill in the art to combine Tavor et al., Henley, and Doi et al. to write query/result page is written in a Java script language and in applets because those are in a compatible language for online displays.

6. Remark: Functional recitation(s) using the word "to" (e.g. "to receive a completed query page" as recited in claim 1) have been considered but are given less patentable weight because they fail to add any structural limitations for this "system" claim (see *In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983) - "although all limitations must be considered, not all limitations are entitled to



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patentable weight"), and are thereby regarded as intended use language. A recitation of the intended use of the claimed system must result in a structural difference between the claimed system and the prior art in order to patentably distinguish the claimed system from the prior art. If the prior art structure is capable of performing the intended use, then it reads on the claimed limitation *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) ("The manner or method in which such machine is to be utilized is not germane to the issue of patentability of the machine itself."); *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). See also MPEP 2114 and 2115.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jeff. A Smith can be reached on 8-3588. The fax phone number for the organization where this application is assigned is 703-305-7687.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CHN*

*Cuong H. Nguyen*

CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3625